

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
T&W Communications Corporation)	File No.: EB-FIELDSCR-13-00007033
)	NOV No.: V201332620009
Owner of Antenna Structure No. 1224089)	
Columbus, MS)	

NOTICE OF VIOLATION

Released: March 8, 2013

By the Deputy Regional Director, New Orleans Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to T&W Communications Corporation (T&W), owner of Antenna Structure Number 1224089 in Columbus, Mississippi. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On February 21, 2013, agents of the Enforcement Bureau's New Orleans Office inspected antenna structure number 1224089 in Columbus, MS and observed the following violation:

- a. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." According to the FCC Antenna Structure Registration database, the structure exceeds 200 feet in height above ground and requires painting and lighting as specified in FCC Form 715, paragraphs 3, 4, 5, and 12. At the time of inspection after sunset, agents observed the beacons and side lights were extinguished.

3. On February 22, 2013, agents of the Enforcement Bureau's New Orleans Office inspected antenna structure number 1224089 in Columbus, MS and observed the following violation:

- b. 47 C.F.R. § 17.48(a): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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Administration (FAA) any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes . . .” After observing the tower had no lights the previous night, the agents also called the FAA to check if a Notice to Airmen (NOTAM) had been issued and found that no one had notified the FAA of the outage. Agents subsequently notified the FAA of the outage and a NOTAM for the structure was issued.

4. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, T&W must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must also specify when and how T&W first became aware of the lighting outage. The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

5. In accordance with Section 1.16 of the Rules, we direct T&W to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of T&W with personal knowledge of the representations provided in T&W’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the owner’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New Orleans Office
Room 460, 2424 Edenborn Ave.
Metairie, LA 70001

7. This Notice shall be sent to T&W Communications Corporation at its address of record.

8. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Loyd Perry
Deputy Regional Director
New Orleans District Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).